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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,218	10/22/2003	Phillip John Megli	61917-013000	8338

7590 07/27/2004
John G. Bisbikis
Suite 4400
227 West Monroe Street
Chicago, IL 60606

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,218

Applicant(s)

MEGLI, PHILLIP JOHN

Examiner

Christopher J. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 6, 7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3 and 6, line 2, the recitation "said A-frame" lacks proper antecedent basis.

The recitation "may" in claim 7, line 1 and in claim 14, line 1 is indefinite since it is unclear whether the carriage attaches to the frame or not.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones.

With respect to claim 1, Jones shows a leveling system (Figs. 1, 2, 3 and 12) for a reversing assembly 30 comprising:

a lift arm assembly 58;

a pair of attachment members 66 indirectly attached at a first end (unnumbered) of each attachment member 66 to the lift arm assembly 58;

a leveling carriage 14 indirectly attached to a second end (unnumbered) of each attachment member 66;

a reversing table 30 (Fig. 1) rotatably attached via a pivot, unnumbered, Fig. 1 to the leveling carriage 14 (Fig. 1); and

a frame 40 (Figs. 2, 3 and 12) rotatably attached to the reversing table 30 (Figs. 2, 3 and 12) via pivot 50 (Fig. 12) and indirectly rotatably attached to the leveling carriage 14.

As to claim 2, the pair of attachment members 66 comprises a pair of lift chains 66.

Regarding claim 3, note actuator means 62 for adjusting the angle of the reversing table 30 with respect to the frame 40.

With respect to claim 4, a first connector 25, 23 or 31 attaches the reversing table 30 to the leveling carriage 14 between a first position on the reversing table 30 and a first position on the leveling carriage 14 and a second connector 25, 23 or 31 attaches the reversing table 30 to the leveling carriage 14 between a second position on the reversing table 30 and a second position on the leveling carriage 14, wherein the distance between the first position on the reversing table 30 and the first position on said leveling carriage 14 is equal to the distance between the second position on said reversing table 30 and the second position on the leveling carriage 14.

As to claim 5, the first connector 25, 23 or 31 and the second connector 25, 23 or 31 are a pair of parallel bars.

Regarding claim 6, the distance between the point at which the leveling carriage 14 attaches to the frame 40 and the point at which the frame 40 attaches to the reversing table 30 is equal to the distance between the first position on the reversing table 30 and the first position on the leveling carriage 14.

With respect to claim 7, the leveling carriage 14 may necessarily attach to the frame 40 and the pair of attachment members 66 at any of a plurality of positions.

Regarding claim 8, the frame 40 is an A-frame 40.

As to claim 9, Jones shows a leveling system (Figs. 1, 2, 3 and 12) for an attachment mounted to a vehicle 12 comprising:

- a frame assembly 40 (Fig. 1) rotatably mounted via 54 (Fig. 1) to the vehicle 12 (Fig. 1);

- a lift arm assembly 58 rotatably mounted to the vehicle 12;

- a reversing table 30 (Fig. 12) rotatably attached to the frame assembly 40 (Fig. 12) at a first hinge point 50 (Fig. 12);

- a leveling carriage 14 (Figs. 2 and 3) rotatably attached via 25 to the reversing table 30 and rotatably attached to the frame assembly 40;

- means 66,64,42 for securing the lift arm assembly 58 to the leveling carriage 14; and

- a pair of connecting means 23 (Fig. 2) for securing the leveling carriage 14 to the reversing table 30.

With respect to claim 10, the lift arm assembly 58 is located above the frame assembly 40.

As to claim 11, the means 66,64,42 for securing the lift arm assembly 58 to the leveling carriage 14 are a pair of lift chains 66.

Regarding claim 12, the pair of connecting means 23 (Fig. 2) for securing the leveling carriage 14 to the reversing table 30 are a pair of parallel bars 23.

With respect to claim 13, the distance between the first hinge point 50 and the axis of rotation between the leveling carriage 14 and the frame assembly 40 is equal to the distance

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between the axes of rotation along the leveling carriage 14 and the reversing table 20 as defined by each of the pair of connecting means 23 for securing the leveling carriage 14 to the reversing table 30.

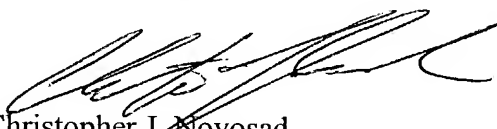
As to claim 14, the leveling carriage 14 may necessarily attach to the frame assembly 40 and the pair of connecting means 23 at any of a plurality of positions.

Regarding claim 15, the frame assembly 40 is an A-frame assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad
Primary Examiner
Art Unit 3671

July 23, 2004